# FREEDOM OF INFORMATION ACT ANNUAL REPORT
# INTERNAL REVENUE SERVICE

Fiscal Year 2000
October 1, 1999 through September 30, 2000

I.A.    Basic Information Regarding the Report ─ Please refer to Treasury Department consolidated Annual Report to Congress.

II.A.   How to Make a FOIA Request ─ Please refer to Treasury Department consolidated Annual Report to Congress.

II.B.   Time Ranges of Responses ─ Response times are from 1 to over 1000 days, with an average response time of 40 days. The median response time is 20 calendar days.

II.C.   Why Some Requests are Not Granted ─ The majority of the requests that are denied are either requests for confidential tax information being sought by individuals who are not authorized to receive it, or are requests related to tax investigations, the disclosure of which might impair federal tax administration.

III.    Definitions of Terms and Acronyms Used in Report

1.    Agency Specific ─ None.
2.    Basic Terms ─ Please see consolidated Treasury Report.

IV.     Supporting Statutes Used with Exemption (b)(3)

A.1.    Listing and brief description of type of information withheld under each statute:

| | |
|---|---|
| 26 U.S.C. 6103 | Confidentiality of Returns and Return Information: Prohibits the disclosure of (1) tax returns and return information of third party taxpayers (6103(a)); (2) the standards used for selection of returns for examination (6103(b)(2)); and (3) a requester's own return information if the release would seriously impair federal tax administration (6103(e)(7)). |
| 31 U.S.C. 5319 | Bank Secrecy Act Records: Prohibits the disclosure of records. Generally used to withhold Currency Transaction Reports. |
| Rule 6(e) | Part of the Federal Rules of Criminal Procedure ─ Grand Jury Secrecy: regulates matters occurring before the Grand Jury. Used to withhold records used in Grand Jury proceedings. |

| 41 U.S.C. 253(b) | Protects the solicitations of unsuccessful bidders in a competitive proposal. Used to withhold the unsuccessful bidders' contract proposals as well as information in the winning solicitation that is not incorporated into the contract. |
|---|---|
| 18 U.S.C. 701 | Official Badges, identification cards. Prohibits the reproduction of official identification media. Used to withhold copies of IRS employee identification badges and pocket commissions. |
| Tax Treaty Clauses | Foreign Tax Treaties ratified by the Senate protect tax information provided by foreign governments for use in tax administration. |
| 5 U.S.C. 7114 | Delineates the rights and duties of a labor organization which has been accorded exclusive representation of the employees in the unit it represents. |
| 26 U.S.C. 6104, (a)(1)(C) | Compensation information of individuals of certain trusts. |

A.2. Statement of whether a court has upheld the use of the above cited statutes:

| 26 U.S.C. 6103 | *Church of Scientology v. IRS,* 484 U.S. 9 (1987); *Gillin v. IRS*, 980 F.2d 819 (1st Cir. 1992)(per curiam); *Gibbs Int'l v. IRS*, No.7:96-996-13, slip op. (D.S.C. Oct. 8, 1996), aff'd, 129 F.3d 116 (4th Cir. 1997), cert. denied, 523 U.S. 1072 (1998) and others. |
|---|---|
| 31 U.S.C. 5319 | *Small v. IRS,* 820 F. Supp. 163 (D.N.J. 1992). |
| Rule 6(e) | *Washington Post Co. v. U.S. Dept. of Justice*, 863 F.2d 96 (D.C. Cir. 1988) |
| 41 U.S.C. 253(b) | Public Law 104-201; not litigated. |
| 18 U.S.C. 701 | Not litigated. |
| Tax Treaties | *Gibbs Int'l v. IRS*, No.7:96-996-13, slip op. (D.S.C. Oct. 8, 1996), aff'd, 129 F.3d 116 (4th Cir. 1997), cert. denied, 523 U.S. 1072 (1998) |
| 5 U.S.C. 7114 | *Dublin v. Dept. of the Treasury*, 555 F. Supp. 408, 412 (N.D. Ga. 1981), aff'd, 697 F.2d 1093 (unpublished table decision); *NTEU v. OPM*, No. 76-695, slip op at 4 9D.D.C. July 9, 1979). |

(a)(1)(C)        Not decided by the courts.

Initial FOIA/PA Access Requests

1.     Number of initial requests:

| | |
|---|---|
| Requests Pending as of 10/01/99 | 2362 |
| Requests Received during FY 2000 | 25857 |
| Requests Processed during FY 2000 | 25486 |
| Requests Pending as of 09/30/00 | 2733 |

2.     Disposition of initial requests:

| | |
|---|---|
| Total Grants | 9851 |
| Partial Grants | 3852 |
| Total Denials | 246 |

Number of times each FOIA exemption was used (counting each exemption once per case):

| Exemption | Use | Exemption | Use | Exemption | Use |
|---|---|---|---|---|---|
| (b)(1) | 0 | (b)(6) | 345 | (b)(7)(E) | 2939 |
| (b)(2) | 84 | (b)(7)(A) | 337 | (b)(7)(F) | 92 |
| (b)(3) | 3877 | (b)(7)(B) | 12 | (b)(8) | 0 |
| (b)(4) | 19 | (b)(7)(C) | 632 | (b)(9) | 0 |
| (b)(5) | 488 | (b)(7)(D) | 137 | | |

Other reasons for non-disclosure of requested information:

| | |
|---|---|
| Total of Others (as categorized below) | 11533 |
| No Records | 3893 |
| Referrals | 1544 |
| Request Withdrawn | 365 |
| Not a proper FOIA request for some other reason | 4964 |
| Misc. other reasons for not processing a request* | 767 |

- Closed without determination because an appeal was filed, or the records had previously been provided to the requester, or the requester had not paid the fee from a previous request, etc.

VI. Appeal of Initial Denials of FOIA/PA Requests

1. Number of appeals:

| | |
|---|---|
| Received during FY 1999 | 1055 |
| Processed during FY 1999 | 1247 |

2. Disposition of appeals — Number of appeals where the initial determination was:

| | |
|---|---|
| Completely upheld | 283 |
| Partially reversed | 127 |
| Completely reversed | 52 |

1. Number of times each FOIA exemption was used in a completely or partially upheld appeal case (counting each exemption once per case):

| Exemption | Use | Exemption | Use | Exemption | Use |
|-----------|-----|-----------|-----|-----------|-----|
| (b)(1) | 0 | (b)(6) | 35 | (b)(7)(E) | 50 |
| (b)(2) | 4 | (b)(7)(A) | 17 | (b)(7)(F) | 23 |
| (b)(3) | 142 | (b)(7)(B) | 0 | (b)(8) | 0 |
| (b)(4) | 1 | (b)(7)(C) | 63 | (b)(9) | 0 |
| (b)(5) | 27 | (b)(7)(D) | 8 | | |

Other reasons for non-disclosure during appeal process:

| | |
|---|---|
| Total of Others (as categorized below) | 971 |
| No Records | 174 |
| Withdrawn | 312 |
| Fee-related | 6 |
| Treated as a non-appeal | 453 |
| Not an agency record | 4 |
| Other (litigation due to failure to respond) | 22 |

VII.    Compliance with Time Limits/Status of Pending Requests

1.    Median time for processing requests:

| Simple Requests | | |
|---|---|---|
| a. | Number of requests processed | 0 |
| b. | Median number of days to process | N/A |
| Complex Requests | | |
| a. | Number of requests processed | 18968 |
| b. | Median number of days to process | 20 |
| Expedited Requests | | |
| a. | Number of request processed | 0 |
| b. | Median number of days to process | N/A |

2.    Status of pending requests (as of September 30, 1999):

| Number of requests pending | 2733 |
|---|---|
| Median age of pending cases | 32 |

VIII.    Comparison with Previous Year

Optional — Comparison not made.

IX.　Costs/FOIA Staffing

1.　Staffing levels, given in number of positions in agency:

| | |
|---|---|
| Full-time FOIA personnel | 17 |
| Personnel with part-time or occasional FOIA duties (in total work-years) | 62 |
| Total number of personnel (in work-years) | 79 |

2.　Total costs (including all staff and resources):

| | |
|---|---|
| FOIA processing (including appeals) | $ 8,017,239 |
| Litigation related activities (estimated) | 695,726 |
| Total Costs | $ 8,712,965 |

24.　Fees

| | |
|---|---|
| Total fees collected by the agency during FY 1999 | $ 95,997 |
| Percentage of total costs | 1.1% |